

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action. Favorable reconsideration of the application is requested in view of the remarks made herein.

Claims 1-9 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The negative limitation "not come into contact with the body" has been rephrased in a positive manner in accordance with the Examiner's suggestions. Withdrawal of this rejection is respectfully requested.

Claims 1-2 and 4-9 were rejected under 35 U.S.C. 103(c) as being unpatentable over Toyota (JP 2000-096913) in view of JP 2002-96637 and Matsushita. Traversal of this rejection is made for at least the following reasons. It is unclear to which reference the Examiner is referring to by "Matsushita" in the present rejection. For the purposes of this response, it will be assumed that "Matsushita" is intended to refer to JP 2002-106258, as it is the only Matsushita reference cited in form PTO-892. The Examiner relies on the combination of Toyota, JP 2002-96637, and Matsushita to teach each and every limitation of independent claim 1. However, none of the cited references teaches or suggests a pressure sensor disposed along an outer edge of a trunk lid of a vehicle *wherein a predetermined clearance is provided between the pressure sensor and the body of the vehicle when the trunk lid is closed*. The Examiner relied on pressure sensor/seal 35 of Toyota as being equivalent to the claimed pressure sensor. However, the pressure sensor/seal 35 of Toyota is used to provide a seal between a trunk lid and a body of a vehicle. Thus, the pressure sensor/seal 35 must contact the body of the vehicle. To modify it otherwise would be to render the pressure sensor/seal 35 unsuitable for its intended purpose. Moreover, the proposed combination of references would require a substantial reconstruction and redesign of the pressure sensor/seal 35 shown in Toyota as

well as a change in the basic principle under which the Toyota construction was designed to operate. For at least these reasons, it is submitted that there is no suggestion within the references to make the proposed combination.

Further, none of the cited references disclose a pressure sensor laid along an outer edge of a trunk lid such that a clearance area is provided between the pressure sensor and the vehicle body when the trunk lid is closed. The Examiner relies on JP 2002-096637 in an attempt to teach this limitation; however, JP 2002-096637 is concerned with a slide door having a piezoelectric sensor and a load absorbing means so that unnecessary load applied to a pinched object is eliminated and the pinching load is reduced. Based on the teachings of this reference, one skilled in the art would not have been motivated to modify Toyota to redesign the pressure sensor/seal to two separate components, namely a seal and a pressure sensor that does not contact the vehicle body when the trunk lid is closed, as required by the present claim. The Examiner is reminded that the Federal Circuit has consistently held:

...‘virtually all [inventions] are combinations of old elements.’
Therefore an examiner may often find every element of a claimed invention in the prior art. *If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue.* Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. *Such an approach would be ‘an illogical and inappropriate process by which to determine patentability.’*
In re Rouffet, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453 (Fed. Cir. 1998) (citations omitted) (emphasis added).

Further still, none of the cited references teaches or suggests determination means for detecting that an object is pinched between a body opening section of said vehicle and said trunk lid in accordance with a signal output from said pressure sensor. The Examiner relies on Matsushita to teach this limitation. However, Matsushita is merely concerned with a system having two piezoelectric sensors to distinguish external vibration from a catch/non-catch situation. None of the piezoelectric sensors in the cited Matsushita reference determine the presence of a pinched object.

For at least the aforementioned reasons, neither Toyota, JP 2002-096637, nor Matsushita, alone or in combination, teach or suggest each and every limitation as set forth in the present claims. Withdrawal of this rejection and allowance of claims 1-9 are respectfully requested.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Toyota (JP 2000-096913) in view of JP 2002-96637 and Matsushita and further in view of Kramer et al. (US 5,296,658). Traversal of this rejection is made for at least the following reasons. Claim 3 depends from claim 1, which is believed to be allowable over the combination of Toyota, JP 2002-096637, and Matsushita, as discussed above. Kramer fails to make up for the deficiencies of Toyota, JP 2002-096637, and Matsushita, as Kramer is directed to a safety edge switch secured to a window opening by an adhesive. Accordingly, the combination of Toyota, JP 2002-096637, Matsushita, and Kramer do not render claim 1 or claim 3, which depends therefrom, obvious. Withdrawal of this rejection is requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 38371.

Respectfully submitted,

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